

MAY 27 2008

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ROBERT DIXON,

Petitioner - Appellant,

v.

NORWOOD, Warden; et al.,

Respondents - Appellees.

No. 07-55055

D.C. No. CV-06-05549-DSF

MEMORANDUM^{*}

Appeal from the United States District Court
for the Central District of California
Dale S. Fischer, District Judge, Presiding

Submitted May 20, 2008^{**}

Before: PREGERSON, TASHIMA, and GOULD, Circuit Judges.

Federal prisoner Robert Dixon appeals pro se from the district court's order denying his 28 U.S.C. § 2241 petition. We have jurisdiction pursuant to 28 U.S.C. § 2253, and we affirm.

^{*} This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

Dixon contends that he is entitled to a sentence reduction of up to one year for his successful completion of a Residential Drug Abuse Treatment Program (“RDAP”). Dixon’s contention fails because the crime for which he was convicted was not a “nonviolent offense,” and therefore he is ineligible for the sentence reduction. *See* 18 U.S.C. § 3621(e)(2)(B); *United States v. Wright*, 215 F.3d 1020, 1028 (9th Cir. 2000). Moreover, the record reflects that Dixon failed to successfully complete the RDAP, such that he would be ineligible for the sentence reduction regardless of his commitment offense. *See* 18 U.S.C. § 3621(e)(2)(B); *Murphy v. Hood*, 276 F.3d 475, 476-78 (9th Cir. 2001).

AFFIRMED.